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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,459	10/16/2001	Michael H. D'Amico	13251US01	5919

7590 09/30/2008
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EXAMINER

MCCULLOCH JR, WILLIAM H

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/981,459	Applicant(s) D'AMICO ET AL.	
	Examiner William H. McCulloch	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,21,23,34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,21,23,34 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/12/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 8/12/2008 and 8/13/2008 have been entered. Claims 1-3, 5, 21, 23, 34, and 36 are pending in the application, with claims 1, 5, 21, 23, 34, and 36 currently amended, and claims 4, 6-10, 22, 24-26, 35, and 37-39 now cancelled.

Information Disclosure Statement

2. The information disclosure statement (IDS) with mailroom date 8/12/2008 was filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the Examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 21, 23, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,766,076 to Pease et al. (hereinafter Pease) in view of U.S. 6,682,421 to Rowe et al. (hereinafter Rowe). This rejection is substantially similar to the

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rejection made in the previous action, which is incorporated herein, with the addition of teachings of Rowe (also applied in the previous rejection).

Regarding claims 1 and 21, Pease teaches a gaming system comprising a central authority (central computer system 106) and a plurality of gaming machines (e.g. gaming devices 108a-108c), wherein at least one of said plurality of gaming machines (i) comprises a meter configured to generate meter data (see at least 5:47-51), (ii) comprises a jackpot meter configured to generate jackpot data (see at least 5:56-60), (iii) is responsive to player cards having associated player identification numbers (see at least 3:37-4:9), apparatus for providing data storage and communications between the gaming machines and the central authority comprising:

- A first database located in the central authority and arranged to store (i) input data to be sent to one or more of the plurality of gaming machines to keep said one or more gaming machines operational (see at least 3:61-4:9) and (ii) output data generated by the plurality of gaming machines (see at least 3:37-4:9 and 5:47-60),
- Wherein the input data comprises one or more credit balances corresponding to one or more player identification numbers (see at least 3:61-4:9, and
- Wherein the output data comprises meter data, jackpot data, and player data (see at least 3:37-4:9 and 5:47-60);
- A network (see at least Fig. 1 and description thereof); and
- A data processing unit (e.g., gateway processor 138) spaced apart from the first database and comprising:

- A second database (e.g., data stored in the gateway processor 138);
and
- A programmed hardware (e.g., the gateway processor hardware)
configured:

(1) to poll the gaming machines to obtain the output data generated by the gaming machines over the network (see at least 3:37-4:9, 5:47-60, and 6:50-23),

(2) to store said output data in the second database (see at least 6:12-23),

(3) to transmit said output data over the network to the first database from the second database and then remove said output data from the second database after said transmission of said output data (see at least 5:56-60. As described in an Advisory Action mailed 7/19/2007, the claim language is directed toward removing output data from a second database after the transmission of the output data, the output data having been transmitted over a network from the second database to the first database. As was also described in the Advisory Action, such feature is an inherent feature in Pease, at least because Pease's equivalent of a second database (e.g. processor 138) is limited by the size of the processor's data storage. The data stored in the second database must therefore be discarded in order to maintain normal operation and prevent overloading the data storage capacity.

Since the data originates in gaming machines, gets transmitted to the second database, and further transmitted to the first database, the data must not be removed from the second database until after the data has been transmitted to the first database. Thus, the removal of output data from the second database after transmission of output data is inherent in Pease.),

(4) to periodically obtain the input data from the first database (see at least 3:37-4:9 and 6:12-23),

(5) to store the periodically obtained input data in the second database (see at least 3:37-4:9 and 6:12-23), and

(6) to transmit at least a portion of the periodically obtained input data required by one of the gaming machines to keep said one gaming machine operational from the second database to said one gaming machine without accessing the first database

- (As noted in the previous action, the claimed invention *defines* the periodically obtained input data as data that is periodically obtained from the first database (see e.g., claim 1, step 4) and stored in the second database (see e.g., claim 1, step 5).

Because the 'periodically obtained input data' or 'POID' is categorically obtained from the first database, the first database *must* have a role in providing the POID over the network to the second database. Furthermore, there is no indication in the

claimed invention as to whether transmission of POID takes place under command from the central authority or not.

However, in e.g., step 6 of claim 1, the POID is transferred from the second database to a gaming machine *without accessing* the first database. Clearly the first database *must* have been accessed at some point in order to obtain the POID in the first place. Therefore, the Examiner interprets the limitation of e.g., step 6 such that the gaming machine does not obtain the POID from the first database directly, but rather the gaming machine obtains POID from the second database.),

said programmed hardware being configured to perform at least said process without command from the central authority

- (As stated above, the POID *must* come from the first database, so the POID itself is not a *command*, in the scope of the claims. Thus, the claim limitation *without command* must mean that a separate instruction (*command*) from the first database is not required in order to transmit POID from the second database to the gaming machine).

Pease teaches the invention substantially as described above. Pease additionally teaches that player tracking systems are known in the art and may include a card bearing encoded information, wherein the card is purchase by a player and may be linked to an existing account (see at least 3:37-4:9). Pease lacks in explicitly teaching

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that a ticket is generated at a gaming machine. In a related disclosure, Rowe teaches that as technology in the gaming industry progressed, “the traditional method of dispensing coins or tokens as awards for winning game outcomes [became] supplemented by ticket dispensers which print ticket vouchers that may be exchanged for cash or accepted as credit of indicia in other gaming machines for additional game play. An award ticket system, which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process. An example of an award ticket system is the EZ pay ticket system by International Game Technology of Las Vegas, Nev.” See col. 1, lines 36-47. Rowe further teaches, “An important component of an award ticket system is the ticket validation process. Typically, a game player's satisfaction with an award ticket system is based upon the ease by which the ticket vouchers may be validated or utilized within the context of game playing. When the ticket validation process is difficult, a game player may become dissatisfied with the game playing area offering the award ticket system and frequent a game playing area without an award ticket system or a game playing area offering a simpler ticket validation process.” See col. 1, lines 56-65. Finally, Rowe teaches that all of the gaming machines print ticket vouchers, which may be exchanged for cash or accepted as credit of indicia in other gaming machines (2:5-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system taught by Pease to generate tickets at the gaming machine as taught by Rowe in order to provide increased operational efficiency of maintaining a gaming machine and

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simplify the player pay out process, thereby increasing player satisfaction as taught by Rowe.

Regarding claim 34, it should be noted that the terminology in claim 34 is different from that of claim 1 and the terms should not be confused between different sets of claims. For example, claim 1 recites a first and a second database, wherein the first database is located in the central authority and the second database is not. Claim 34 recites a first database in the central authority, which generally corresponds to the first database of claim 1. However, in contrast to claim 1, there is no recitation of a second database in claim 34. The corresponding structure in claim 34 is instead termed data “stored apart from the first database”. For purposes of this action, data stored apart from the first database is treated as data stored in one or more second databases, or other data storage locations. It should be appreciated that regardless of the terminology used, the concepts of claim 34 are the same as those of claim 1 as they apply to the Examiner’s interpretation described above.

Further regarding claim 34, Pease teaches the recited dividing of gaming machines into a first group and a second group at least by the teaching that multiple casinos, each having a group of gaming machines, may communicate in substantially the same way with a respective gateway processor (see at least 1:65-2:19).

Regarding claim 2, Pease teaches a first network between the gaming machines and the second database, and a second network between the second database and the first database (see at least fig. 1).

Regarding claim 3, Pease teaches a first processor arranged to manage the first database and a second processor arranged to manage the second database (see at least 5:40-41 and 5:61-66).

Regarding claims 5, 23, and 36, Pease teaches gaming machines comprising meters arranged to store meter data and wherein the output data comprises the meter data or jackpot data, wherein the data comprises meter data for gaming machines played within a predetermined preceding time period (see at least 5:56-60, 6:24-7:2, 8:13-18).

Response to Arguments

5. Applicant's arguments filed 8/13/2008 have been fully considered but they are not persuasive.

On pages 10-11 of the Remarks, Applicant contends that the combination of Pease and Rowe fails to teach or suggest the claimed invention because “a person having ordinary skill in the art, implementing the system of Pease and desiring to add the ticket validation functionality of Rowe, would naturally be inclined to add the necessary central processing and storage as part of computer network 118 in Pease...This would be the natural choice because Pease shows that all of the centralized, non-jackpot-related processing and storage takes place within computer network 118 rather than central computer system 106” (emphasis in original; p. 11). Applicant further argues that even if one of ordinary skill in the art “would want to centralize ticket validation at a higher level (i.e. across multiple casinos) [sic], there is no teaching or suggestion in Pease or Rowe that the centralized processing and storage

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for ticketing functions would make any use of the gateway processor 138...or that it would include any other local processor or local database" (p. 11).

The Examiner respectfully submits that the above argument represents a fundamental misunderstanding of the teachings of Pease as they relate to the network structure. As can be clearly seen in Figure 1, all communications between the central system 106 and the individual casino 102 must pass through the gateway processor 138. As such, any data transferred between the casino and the central system must be stored, even if temporarily, at the gateway processor. As is demonstrated above, Pease teaches transfer and storage of input and output data as prescribed by the claimed invention, except that Pease does not explicitly teach that the input and output data include ticket data. As is acknowledged by the Applicant, Rowe is used to teach ticketing features. The combination of Pease and Rowe demonstrates to one of ordinary skill in the art the invention taught by Pease, with the advantage of ticket validation taught by Rowe. Because Pease is the base reference, one of ordinary skill in the art would be motivated to integrate ticketing functions (such as transfer, storage, and data processing) into the existing framework of Pease, which results in the claimed invention. While this is not the only solution conceivable to one of ordinary skill in the art, it is the most direct one that requires the least modification to Pease. For at least this reason, the claimed invention is obvious in view of the prior art.

Applicant argues on pages 11-12 that Pease fails to disclose any gaming machine input data, stored in a second database and transmitted to gaming machines, that includes credit balances. Applicant acknowledges that Pease teaches that the

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central computer system 106 of Pease sends credit balances to the gaming machines, but argues that Pease does not teach that the credit balances be stored in a database in the gateway processor 138. The Examiner again notes that all data communicated between the casino and the central system must be stored at the gateway processor in order for the system to function. Even assuming *arguendo* that the gateway processor does not store credit balances, it is well within the ordinary skill in the art to store data in a device whose stated purpose is to obtain, process, transmit, and store data.

Applicant presents similar arguments on pages 12-13, and those arguments are unpersuasive for the reasons given above. Additionally, Applicant alleges that the claimed invention reflects a system architecture that is “very different” from the architecture of Pease. Actually, there is no difference in the *structure* of Pease and that of the claimed invention. Structurally, the two are virtually identical. Applicant appears to be referring to *functional* differences between the two. For instance, Applicant states that functions that require centralized processing in Pease are handled over a local computer network 118 and are not sent through the gateway processor 138. This is somewhat puzzling, as functions that Applicant characterizes as requiring “centralized processing” are logically going to be sent to the central computer system to be processed. It is unclear what functions Applicant believes are handled over the local computer network (token ring) 118 that are not sent to the central computer system. However, the fact that at least some functions do require data to be transferred to the central computer system prove that the prior art teaches a system that teaches or makes obvious limitations of the claimed invention.

On page 13 of the Remarks, Applicant states that those of ordinary skill in the art "would not recognize any incidental advantage regarding data congestion or data loss arising from the use of the gateway processor 138 in Pease, and thus would not have found it obvious to alter Pease by expanding the system to provide intermediate processing and storage for non-jackpot-related data used for other centralized functions of a gaming system (player tracking, ticketing, etc.)" Applicant appears to have inadvertently acknowledged that for at least some functions of Pease, data is handled in a manner consistent with the claimed invention, even though Applicant argues that one of ordinary skill allegedly would not have noticed benefit therein. Furthermore, the Examiner categorically disagrees with the assertion that one of ordinary skill in the art would fail to recognize qualities that lead to reduced data congestion and data loss when their field of endeavor is developing systems to handle information that is as time- and security-sensitive as that of the gaming industry.

For at least these reasons, the claimed invention is unpatentable over the cited prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
9/24/2008

/Corbett Coburn/
Primary Examiner
AU 3714